

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

VERNARD BROWN, JR., §
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Plaintiff, §
v. §
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LORIE DAVIS, ET AL., §
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§
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Defendants. §
Case No. 6:19-CV-332-JDK-JDL

ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Plaintiff Vernard Brown, Jr., an inmate proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. This case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On December 27, 2019, the Magistrate Judge issued a Report and Recommendation (Docket No. 23), recommending that Plaintiff's motion for class certification be denied because Plaintiff failed to satisfy Federal Rule of Civil Procedure 23. *Id.* at 3–4. A return receipt indicating delivery to Plaintiff was received by the Clerk on January 13, 2020. Docket No. 28.

This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Plaintiff did not file objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings

for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 23) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 23) be **ADOPTED**. It is further

ORDERED that Plaintiff's motion for class certification (Docket No. 21) is **DENIED**.

So **ORDERED** and **SIGNED** this 4th day of March, 2020.



JEREMY D. KERNODEE
UNITED STATES DISTRICT JUDGE